

**House File 2196 - Enrolled**

House File 2196

**AN ACT**

**RELATING TO TEXTING OR USING A MOBILE TELEPHONE WHILE OPERATING  
A COMMERCIAL MOTOR VEHICLE, PROVIDING PENALTIES, AND MAKING  
PENALTIES APPLICABLE.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

Section 1. Section 321.482A, unnumbered paragraph 1, Code 2018, is amended to read as follows:

Notwithstanding [section 321.482](#), a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph "a", subparagraph (2), section 321.180B, subsection 6, [section 321.194, subsection 2](#), paragraph "b", subparagraph (2), [section 321.256, 321.257](#), section 321.275, subsection 4, [section 321.276, 321.297](#), 321.298, [321.299, 321.302, 321.303, 321.304, 321.305, 321.306](#), 321.307, [321.308, section 321.309, subsection 2](#), ~~or~~ section 321.311, [321.319, 321.320, 321.321, 321.322, 321.323, 321.324](#), 321.324A, [321.327, 321.329, 321.333](#), ~~or~~ section 321.372, subsection 3, or section 321.449B, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in [section 805.8A](#) or any other penalty provided by law:

Sec. 2. NEW SECTION. 321.449B Texting or using a mobile telephone while operating a commercial motor vehicle.

1. a. A person subject to rules adopted by the department pursuant to section 321.449 shall not operate a commercial

motor vehicle while engaged in texting as prohibited by 49 C.F.R. §392.80, except in an emergency or as otherwise permitted under 49 C.F.R. §392.80.

*b.* A person subject to rules adopted by the department pursuant to section 321.449 shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by 49 C.F.R. §392.82, except in an emergency or as otherwise permitted under 49 C.F.R. §392.82.

2. *a.* A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "b".

*b.* A violation of this section shall be considered a moving violation for the purposes of this chapter and rules adopted pursuant to this chapter.

*c.* A conviction for a violation of this section shall be in lieu of a conviction for a violation of section 321.276 if the violations are based on the same facts and circumstances.

Sec. 3. Section 805.8A, subsection 13, paragraph b, Code 2018, is amended to read as follows:

*b.* For a violation under section 321.449, ~~or 321.449A~~, or 321.449B, the scheduled fine is fifty dollars.

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LINDA UPMEYER  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2196, Eighty-seventh General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2018

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KIM REYNOLDS  
Governor